



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/577,393

04/27/2006

Marcos Isamat Riviere

6647 / 012

1396

23440

7590

07/14/2010

GOTTLIEB RACKMAN & REISMAN PC

270 MADISON AVENUE

8TH FLOOR

NEW YORK, NY 10016-0601

EXAMINER

KOSSON, ROSANNE

ART UNIT

PAPER NUMBER

1652

MAIL DATE

DELIVERY MODE

07/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental
Notice of Allowability**

Application No.

10/577,393

Examiner

Rosanne Kosson

Applicant(s)

ISAMAT RIVIERE, MARCOS

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an allowance of 6/10/10 & an interview with Applicant's representative on 7/9/10.
2. ☒ The allowed claim(s) is/are 11,13 and 16-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Mr. David Kashman, on July 9, 2010.

The application has been amended as follows.

The claims are amended as follows.

1 – 10. (canceled)

11. (previously presented) The method of claim 19, characterised in that the primers used in the amplification step are 5'TCCGGCATGTGCAAGGCCGG3' (SEQ ID NO:1) and 5'CTCCATGTCGTCCTCCAGTTGG3' (SEQ ID NO: 2).

12. (canceled)

13. (previously presented) The method of claim 16, characterised in that the sample is taken from horse, goat, rabbit, dog, cat, chimpanzee, human or brown bear tissue.

14 – 15. (canceled)

16. (currently amended) A method for genetic identification of biological species using a sample of biological material derived from a single species or from a heterogeneous mixture of species and/or subspecies, characterised in that it comprises:

- (a) DNA extraction from the sample;
- (b) amplification of a region of the DNA of the sample, said region corresponding to the region between positions 1130 and 1473 of the human cytoplasmic beta-actin gene, said position numbers being relative to SEQ ID NO:9, wherein ~~[[to be changed]]~~ said region is amplified using DNA oligonucleotide primers that hybridize to conserved sequences between positions 1130 and 1473 of SEQ ID NO:9;
- (c) analysis of the amplified region to determine the size in base-pairs and/or the precise DNA sequence thereof; and
- (d) taxonomic identification of the biological species or subspecies from which the sample was derived by comparison of the size and/or DNA sequence of said amplified region with a database containing pre-established sizes and/or DNA sequences of the corresponding region of the cytoplasmic beta-actin gene of a plurality of species and/or subspecies.

17. (previously presented) The method of claim 16, characterised in that in the amplification step gene segments of evolutionarily divergent regions of the cytoplasmic beta-actin gene are amplified using DNA oligonucleotide primers corresponding to ranges of nucleotide positions in SEQ ID NO:9 having greater than 98% sequence identity among the species and sub-species present in the database.

18. (previously presented) The method of claim 16, characterised in that in the amplification step the segments to be amplified comprise the whole intronic DNA sequence and at least a portion of the flanking exonic sequences relative to SEQ ID NO:9.

19. (previously presented) The method of claim 16, characterised in that in the amplification step primers are used that hybridize with one or more sequences within the regions between

positions 1130 to 1191 and 1453 to 1473 of the cytoplasmic beta-actin gene.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosanne Kosson whose telephone number is (571)272-2923. The examiner can normally be reached on Tues., Wed., Fri., 8:30-6:00, Mon., 8:30-2:00, Thurs. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert B. Mondesi, can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rosanne Kosson
Examiner, Art Unit 1652
rk/2010-07-12

/Karen Cochrane Carlson/
Primary Examiner, Art Unit 1656